

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

D. JOSEPH KURTZ,

Plaintiff,

v.

KIMBERLY-CLARK CORPORATION
and COSTCO WHOLESALE
CORPORATION,

Defendants.

No. 1:14-cv-01142-JBW-RML

**DECLARATION OF
KAYVAN B. SADEGHI IN
SUPPORT OF COSTCO'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR CLASS
CERTIFICATION**

FILED UNDER SEAL

(Leave to File Under Seal Requested March 26, 2015)

I, Kayvan B. Sadeghi, under penalty of perjury, declare as follows:

1. I am a member of the Bar of the State of New York and admitted to practice before this Court. I am Of Counsel at the law firm Morrison & Foerster LLP, which represents Defendant Costco Wholesale Corporation ("Costco") in the above-captioned matter.
2. I submit this Declaration in support of Costco's Opposition to Plaintiff's Motion for Class Certification to put before the Court the following documents.
3. Attached hereto as Exhibit 1 is a true and correct copy of the Rebuttal Expert Report of Denise N. Martin, Ph.D., Senior Vice President at National Economic Research Associates, Inc., dated March 27, 2015, including exhibits attached thereto.
4. Attached hereto as Exhibit 2 is a true and correct copy of the document produced in this litigation bearing Bates numbers KCC-Kurtz0011209 - KCC-Kurtz0011213 (results of a 29-question quantitative research survey regarding consumers' disposal of household products conducted on November 19-21, 2012).

5. Attached hereto as Exhibit 3 is a true and correct copy of the document produced in this litigation bearing Bates numbers KCC-Kurtz0019453 - KCC - Kurtz0019471 (a summary of a market research study conducted by Kimberly-Clark, published on June 23, 2004).

6. Attached hereto as Exhibit 4 is a true and correct copy of the document produced in this litigation bearing Bates numbers KIRKLAND0008036 - KIRKLAND0008046 (a summary of a joint INDA-Maine Wastewater Collection Study performed at the Westbrook Pumping Station in Westbrook, Maine on September 20-21, 2011).

7. Attached hereto as Exhibit 5 is a true and correct copy of the document produced in this litigation bearing Bates numbers KIRKLAND0008031 - KIRKLAND0008035 (a summary of a joint INDA-Maine Wastewater Collection Study performed at the Westbrook Pumping Station in Westbrook, Maine on January 10-11, 2012).

8. Attached hereto as Exhibit 6 is a true and correct copy of the document produced in this litigation bearing Bates numbers COV021640 - COV021643 (an email sent from Frank Dick, Industrial Pretreatment Coordinator for the City of Vancouver, Washington, to members of the National Association of Clean Water Agencies ("NACWA") on September 23, 2013).

9. Attached hereto as Exhibit 7 is a true and correct copy of the document produced in this litigation bearing Bates numbers KIRKLAND0006698 - KIRKLAND0006701 (an email sent from Robert Haller, Executive Director of the Canadian Water and Wastewater Association, to Robert Villee, Executive Director of Plainfield Area Regional Sewerage Authority in Middlesex, New Jersey, on March 12, 2013).

10. Attached hereto as Exhibit 8 is a true and correct copy of the document produced in this litigation bearing Bates numbers COV010079 - COV010086 (an email sent from Robert Villee to members of NACWA on July 18, 2013).

11. Attached hereto as Exhibit 9 is a true and correct copy of the document produced in this litigation bearing Bates numbers KIRKLAND0005303 - KIRKLAND0005308 (an email sent from Cynthia A. Finley, Director of Regulatory Affairs at NACWA on July 23, 2013).

12. Attached hereto as Exhibit 10 is a true and correct copy of the document produced in this litigation bearing Bates numbers KIRKLAND0004536 - KIRKLAND0004540 (an email sent from Hiram Tanner Jr., Manager of Sewer Pumping for DC Water in Washington, DC, to members of NACWA and INDA on August 8, 2013).

13. Attached hereto as Exhibit 11 is a true and correct copy of the document produced in this litigation bearing Bates numbers OCSD001568 - OCSD001569 (an email sent from Gail Chesler to members of NACWA on January 6, 2011).

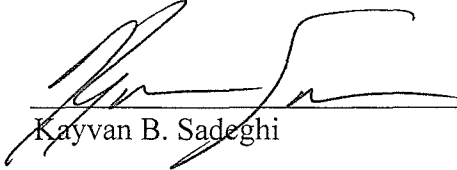
14. Attached hereto as Exhibit 12 is a true and correct copy of the document produced in this litigation bearing Bates numbers PARSA000238 - PARSA000243 (a summary of the Maine Research Focus Group study conducted at Critical Insights Research in Portland, ME on August 1-2, 2012).

15. Attached hereto as Exhibit 13 is a true and correct copy of an excerpt from the Second Edition of the INDA Guidelines for assessing the flushability of nonwoven consumer products, bearing Bates number COSTCO0000025 (schematic of the test approach).

16. Attached hereto as Exhibit 14 is a true and correct copy of the document produced in this litigation bearing Bates numbers COSTCO0013602 (an email sent from Kim Walior to Kim Melsheimer on December 9, 2011).

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on March 27, 2015



Kayvan B. Sadeghi